


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MAR 25 2013

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

KHAYR ROOKS,  
Petitioner,

)

Civil Action No. 7:13cv00117

)

)

v.

)

**FINAL ORDER**

)

WARDEN EDDIE L. PEARSON,  
Respondents.

)

By: Samuel G. Wilson

)

United States District Judge

In accordance with the memorandum opinion and order entered this day, it is hereby

**ORDERED**

that the above-referenced action shall be **DISMISSED without prejudice** and the Clerk is **DIRECTED to TERMINATE** the action from the active docket of the court. Further, Rooks' motion for an extension of time (ECF No. 2) is **DENIED** and his motion for leave to proceed *in forma pauperis* (ECF No. 4) is **DENIED as moot**.

Further, finding that Rooks has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send copies of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 25<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
United States District Judge